IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

)		
)		
)	Case No.:	CIV-16-1102-C
)		
)		
)		
)		
)		
)		
)		
)))) Case No.:))

NOTICE OF REMOVAL

COMES NOW Defendant Liberty Mutual Fire Insurance Company ("Liberty Mutual") and pursuant to 28 U.S.C. § 1446 and Fed. R. Civ. P. 81(c) states:

- 1. The above entitled suit was filed in the District Court of Cleveland County, State of Oklahoma as Case No. CJ-2016-913 on August 23, 2016. Defendant Liberty Mutual was served through the office of the Oklahoma Insurance Commissioner on August 23, 2015. Receipt of service was the first notice Liberty Mutual received of this suit. In accordance with 28 U.S.C. §1446(a) and LCvR 81.2, a copy of the docket sheet and a copy of all documents filed or served in the Cleveland County case are attached to this Notice as Exhibits "1" through "4".
- 2. Plaintiffs Koy M. Floyd and Glenna Kay Floyd are citizens of the State of Oklahoma and residents of Cleveland County, Oklahoma.

- 3. Defendant Liberty Mutual Fire Insurance Company is a corporation organized under the laws of the State of Wisconsin and for federal court jurisdiction/diversity of citizenship disclosure purposes, the principal place of business is 175 Berkeley Street, Boston, Massachusetts; therefore Liberty Mutual Fire Insurance Company is deemed to be a Wisconsin citizen for purposes of diversity.
- 4. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1332. Removal is proper pursuant to 28 U.S.C. §1441, et seq.
- 5. In this case, Plaintiffs bring causes of action for breach of an insurance contract and bad faith against Liberty Mutual Fire Insurance Company, arising from an insurance claim for hail/wind damage to a commercial property.
- 6. The Petition alleges that Plaintiffs are entitled to damages from Liberty Mutual in "an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00)." Thus, the amount in controversy exceeds the amount which is required for diversity jurisdiction.
- 7. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has jurisdiction because of the complete diversity of citizenship of the parties and there is a sufficient amount in controversy.
- 8. Pursuant to 28 U.S.C. § 1446(a), Defendant acknowledges that this Notice of Removal is signed and filed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant Liberty Mutual Fire Insurance Company requests this

Notice of Removal be accepted by this Court and that the lawsuit proceed as an action

properly removed to this Court's jurisdiction.

Respectfully submitted,

WILSON, CAIN & ACQUAVIVA 300 Northwest 13th Street, Suite 100 Oklahoma City, Oklahoma 73103 Telephone: (405) 236-2600 Facsimile: (405) 236-2607

/s/ Tim D. Cain

Tim D. Cain, OBA #11779 Kristan A. Bolding, OBA ##22498 TimC@wcalaw.com KristanB@wcalaw.com Attorneys for Defendant Liberty Mutual Fire Insurance Company, improperly named as Liberty Mutual Fire Insurance Company d.b.a Liberty Mutual

and/or Liberty Mutual Group

CERTIFICATE OF SERVICE

X I hereby certify that on September 22, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Clifton D. Naifeh, OBA #6568 Naifeh & Associates 870 Copperfield Drive, Suite B Norman, OK 73072 Attorney for Plaintiff

> /s/ Tim D. Cain Tim D. Cain

Kristan A. Bolding